



General Assembly

February Session, 2022

***Raised Bill No. 5503***

LCO No. 3997



Referred to Committee on FINANCE, REVENUE AND  
BONDING

Introduced by:  
(FIN)

***AN ACT CONCERNING THE BUSINESS OPERATING LOSS CARRY-  
OVER PERIOD.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subdivision (4) of subsection (a) of section 12-217 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2022*):

4 (4) Notwithstanding any provision of this section: [to the contrary,]

5 (A) [any] Any excess of the deductions provided in this section for  
6 any income year commencing on or after January 1, 1973, over the gross  
7 income for such year or the amount of such excess apportioned to this  
8 state under the provisions of this chapter, shall be an operating loss of  
9 such income year and shall be deductible as an operating loss carry-over  
10 for operating losses incurred prior to income years commencing January  
11 1, 2000, in each of the five income years following such loss year; [and]  
12 for operating losses incurred in income years commencing on or after  
13 January 1, 2000, and prior to January 1, 2023, in each of the twenty  
14 income years following such loss year; [,] and for operating losses

15 incurred in income years commencing on or after January 1, 2023, in  
 16 each of the forty income years following such loss year; except that:

17 (i) [~~for~~] ~~For~~ income years commencing prior to January 1, 2015, the  
 18 portion of such operating loss [~~which~~] that may be deducted as an  
 19 operating loss carry-over in any income year following such loss year  
 20 shall be limited to the lesser of (I) any net income greater than zero of  
 21 such income year following such loss year, or in the case of a company  
 22 entitled to apportion its net income under the provisions of this chapter,  
 23 the amount of such net income [~~which~~] that is apportioned to this state  
 24 pursuant thereto, or (II) the excess, if any, of such operating loss over  
 25 the total of such net income for each of any prior income years following  
 26 such loss year, such net income of each of such prior income years  
 27 following such loss year for such purposes being computed without  
 28 regard to any operating loss carry-over from such loss year allowed  
 29 under this subparagraph and being regarded as not less than zero, and  
 30 provided further the operating loss of any income year shall be  
 31 deducted in any subsequent year, to the extent available for such  
 32 deduction, before the operating loss of any subsequent income year is  
 33 deducted; [.]

34 (ii) [~~for~~] ~~For~~ income years commencing on or after January 1, 2015,  
 35 the portion of such operating loss [~~which~~] that may be deducted as an  
 36 operating loss carry-over in any income year following such loss year  
 37 shall be limited to the lesser of (I) fifty per cent of net income of such  
 38 income year following such loss year, or in the case of a company  
 39 entitled to apportion its net income under the provisions of this chapter,  
 40 fifty per cent of such net income [~~which~~] that is apportioned to this state  
 41 pursuant thereto, or (II) the excess, if any, of such operating loss over  
 42 the operating loss deductions allowable with respect to such operating  
 43 loss under this subparagraph for each of any prior income years  
 44 following such loss year, such net income of each of such prior income  
 45 years following such loss year for such purposes being computed  
 46 without regard to any operating loss carry-over from such loss year  
 47 allowed under this subparagraph and being regarded as not less than  
 48 zero, and provided further the operating loss of any income year shall

49 be deducted in any subsequent year, to the extent available for such  
50 deduction, before the operating loss of any subsequent income year is  
51 deducted; [.] and

52 (iii) [if] If a combined group so elects, the combined group shall  
53 relinquish fifty per cent of its unused operating losses incurred prior to  
54 the income year commencing on or after January 1, 2015, and before  
55 January 1, 2016, and may utilize the remaining operating loss carry-over  
56 without regard to the limitations prescribed in subparagraph (A)(ii) of  
57 this subdivision. The portion of such operating loss carry-over that may  
58 be deducted shall be limited to the amount required to reduce a  
59 combined group's tax under this chapter, prior to surtax and prior to the  
60 application of credits, to two million five hundred thousand dollars in  
61 any income year commencing on or after January 1, 2015. Only after the  
62 combined group's remaining operating loss carry-over for operating  
63 losses incurred prior to income years commencing January 1, 2015, has  
64 been fully utilized, will the limitations prescribed in subparagraph  
65 (A)(ii) of this subdivision apply. The combined group, or any member  
66 thereof, shall make such election on its return for the income year  
67 beginning on or after January 1, 2015, and before January 1, 2016, by the  
68 due date for such return, including any extensions. Only combined  
69 groups with unused operating losses in excess of six billion dollars from  
70 income years beginning prior to January 1, 2013, may make the election  
71 prescribed in this clause; [.] and

72 (B) [any] Any net capital loss, as defined in the Internal Revenue Code  
73 effective and in force on the last day of the income year, for any income  
74 year commencing on or after January 1, 1973, shall be allowed as a  
75 capital loss carry-over to reduce, but not below zero, any net capital  
76 gain, as so defined, in each of the five following income years, in order  
77 of sequence, to the extent not exhausted by the net capital gain of any of  
78 the preceding of such five following income years; [.] and

79 (C) [any] Any net capital losses allowed and carried forward from  
80 prior years to income years beginning on or after January 1, 1973, for  
81 federal income tax purposes by companies entitled to a deduction for

82 dividends paid under the Internal Revenue Code other than companies  
83 subject to the gross earnings taxes imposed under chapters 211 and 212,  
84 shall be allowed as a capital loss carry-over.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2022</i>	12-217(a)(4)
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***Statement of Purpose:***

To allow business operating losses incurred in income years commencing on or after January 1, 2023, to be deductible over forty income years.

***[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]***